

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YEMISI AKINYEMI,

Case No. 07 CV 4048  
(AJP)

Plaintiff

-against-

MICHAEL CHERTOFF,  
SECRETARY, DEPARTMENT OF HOMELAND  
SECURITY,

Defendant

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**DECLARATION OF K.C. OKOLI**

I, **K.C. OKOLI**, hereby declare under the penalty of perjury pursuant to 28 U.S.C.  
§1746, as follows:

1. I am the attorney for the plaintiff herein, YEMISI AKINYEMI, by virtue whereof  
I am fully familiar with the facts and circumstances described herein.
2. I submit this Declaration in opposition to the motion of the defendant for  
summary judgment herein.
3. Annexed hereto as **Exhibit 2**, is a true copy of discovery documents received  
from the defendant relating to Jolanta Gluba's employment with the CBP as a  
Cashier/Student Trainee, showing her shortage of funds in June 2002. (USA0316-  
USA0321).
4. Annexed hereto as **Exhibit 3**, is a true copy of the discovery documents received



from the defendant relating to Jolanta Gluba's incident in which, while still a probationary employee, she exposed sensitive government information to a member of the public in January 2005. (USA0323-USA0336; USA0344).

5. Annexed hereto as **Exhibit 4**, is a true copy of the discovery documents received from the defendant relating to Sharmila Haq's (Zaman's) misplacement of her firearm in a women's *public* restroom at Newark International Airport. (USA0275-USA0282; USA0284; USA0431-USA0432).
6. Annexed hereto as **Exhibit 5** is a copy of the Declaration of Deneise Dungee, provided by the defendant, explaining the defendant's failure to provide the Employee Proficiency Review of Elba Riley (Mendez) covering the period October 1, 2005 through October 23, 2006. Given the time when Mitchell claimed she became aware of the allegation that Ms. Riley accessed a restricted area at the airport while off duty, it is expected that relevant information concerning this incident would be contained in this missing document.
7. Annexed hereto as **Exhibit 6** is a true copy of a redacted deposition letter of discipline dated February 17, 2004, from CBP to one of its employees (herein "Employee #1"). (Plaintiff's Exhibit 3).
8. Annexed hereto as **Exhibit 7** is a true copy of a redacted deposition letter of discipline dated June 20, 2005, from CBP to one of its employees (herein "Employee #2"). (Plaintiff's Exhibit 4).
9. Annexed hereto as **Exhibit 8** is a true copy of a redacted deposition letter of discipline dated December 22, 2004, from CBP to one of its employees (herein "Employee #3"). (Plaintiff's Exhibit 5).



10. Annexed hereto as **Exhibit 9** is a true copy of a redacted deposition letter of discipline dated September 20, 2005, from CBP to one of its employees (herein "Employee #4"). (Plaintiff's Exhibit 6).
11. Annexed hereto as **Exhibit 10** is a true copy of a redacted deposition letter of discipline dated March 30, 2005, from CBP to one of its employees (herein "Employee #5"). (Plaintiff's Exhibit 7).
12. Annexed hereto as **Exhibit 11** is a true copy of a redacted deposition letter of discipline dated April 12, 2005, from CBP to one of its employees (herein "Employee #6"). (Plaintiff's Exhibit 8).
13. Annexed hereto as **Exhibit 12** is a true copy of a redacted deposition letter of discipline ("182-183"), from CBP to one of its employees (herein "Employee #7"). (Plaintiff's Exhibit 9).
14. Annexed hereto as **Exhibit 13** is a true copy of a redacted deposition letter of discipline dated January 5, 2006, from CBP to one of its employees (herein "Employee #8"). (Plaintiff's Exhibit 10).
15. Annexed hereto as **Exhibit 14** is a true copy of a redacted letter of discipline dated February 23, 2004, from CBP to one of its employees (herein "Employee #9"). (produced in discovery as USA0004-USA0005).
16. Annexed hereto as **Exhibit 15** is a true copy of a redacted letter of discipline dated March 2, 2006, from CBP to one of its employees (herein "Employee #10") (produced in discovery as USA0015).
17. Annexed hereto as **Exhibit 16** is a true copy of the letter of termination from CBP to the plaintiff, Yemisi Akinyemi, dated December 20, 2005. (Plaintiff's Exhibit



2).

18. Annexed hereto as **Exhibit 17** is a true copy of the CBP Table of Offenses and Penalties applicable as of December 2005, when plaintiff was terminated. (USA0016-USA0031).
19. Annexed hereto as **Exhibit 18** are excerpts of the applicable CBP directive on Standards of Conduct. (USA0032-USA0038).
20. Annexed hereto as **Exhibit 19** is a true copy of the Standard Operating Procedures governing the Separation of Probationary and Trial Period Employees at CBP (201-205), submitted by the Government during the administrative investigation of this matter.
21. Annexed hereto as **Exhibit 20** is a true copy of the Unsworn Declaration of Susan T. Mitchell dated 4/2/06, submitted at the administrative stage of this matter. (Plaintiff's Exhibit 11).
22. Annexed hereto as **Exhibit 21** is a true copy of the Unsworn Declaration of Joseph Martella, dated March 13, 2006, submitted at the administrative stage of this matter. (Plaintiff's Exhibit 3).
23. Annexed hereto as **Exhibit 22** is a true copy of the Unsworn Declaration of Gregory J. Jurczak, dated March 25, 2006, submitted at the administrative stage of this matter. (Plaintiff's Exhibit 2).
24. Annexed hereto as **Exhibit 23** is a true copy of the Unsworn Declaration of Brendan L. McPhail, submitted at the administrative stage of this matter. (Plaintiff's Exhibit 1).
25. Annexed hereto as **Exhibit 24** is a true copy of the first two pages of the funeral



program for the plaintiff's father in law produced to the defendants in discovery.

26. Annexed hereto as **Exhibit 25** is a true copy of relevant excerpts of the transcript of the deposition testimony of Gilbert Patrick Murphy taken on October 29, 2007.
27. Annexed hereto as **Exhibit 26** is a true copy of relevant excerpts of the transcript of the deposition testimony of Jolanta Gluba taken on October 31, 2007.
28. Annexed hereto as **Exhibit 27** is a true copy of relevant excerpts of the transcript of the deposition testimony of Elba J. Riley taken on October 26, 2007.
29. Annexed hereto as **Exhibit 28** is a true copy of relevant excerpts of the transcript of the deposition testimony of Edward Fox taken on October 25, 2007.
30. Annexed hereto as **Exhibit 29** is a true copy of relevant excerpts of the transcript of the deposition testimony of Sharmila Zaman taken on October 31, 2007.
31. Annexed hereto as **Exhibit 30** is a true copy of relevant excerpts of the transcript of the deposition testimony of Herbert Herter taken on October 25, 2007.
32. Annexed hereto as **Exhibit 31** is a true copy of relevant excerpts of the transcript of the deposition testimony of Brendan McPhail taken on October 29, 2007.
33. Annexed hereto as **Exhibit 32** is a true copy of relevant excerpts of the transcript of the deposition testimony of Joseph Vincent Martella taken on November 6, 2007.
34. Annexed hereto as **Exhibit 33** is a true copy of relevant excerpts of the transcript of the deposition testimony of Akintunde Olubukola Seweje Akinyemi taken on November 16, 2007.
35. Annexed hereto as **Exhibit 34** is a true copy of the transcript of the deposition



testimony of Susan Mitchell taken on October 4, 2007.

36. Annexed hereto as **Exhibit 35** is a true copy of the transcript of the deposition testimony of Gregory Jon Jurczak taken on November 6, 2007.
37. Annexed hereto as **Exhibit 36** is a true copy of the transcript of the deposition testimony of Yemisi Akinyemi taken on September 12, 2007.
38. Annexed hereto as **Exhibit 37** is a true copy of the Unsworn Declaration of Alyse Long, dated March 10, 2006, submitted at the administrative stage of this matter. (094-099).
39. Annexed hereto as **Exhibit 38** is a true copy of a deposition exhibit which is the CBP memo of the interview of Yemisi Akinyemi conducted on December 19, 2005. (Plaintiff's Exhibit 1).
40. Annexed hereto as **Exhibit 39** is a true copy of a deposition exhibit which is the statement of the incident submitted by Gregory Jurczak to CBP. (Plaintiff's Exhibit 3).
41. Annexed hereto as **Exhibit 40** is a true copy of a deposition exhibit which is the statement concerning the incident submitted by Herbert Herter to CBP. (Plaintiff's Exhibit 4).

Dated: New York, New York  
February 27, 2008

/s/ K.C. Okoli

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K.C. OKOLI